

Home (193rd) Department

ms. SERIES.

G.O No. 667

Dated 9 2 1940

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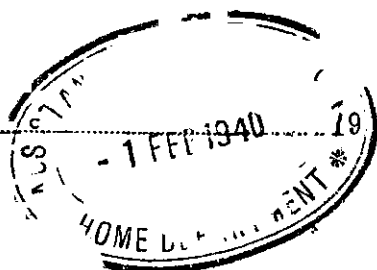
[Despatch Abstract]

Establishment - Bellary District - Bench Court, Bellary -Temporary
establishment - Permanent retention -Proposal not accepted - Reten-
tion for one year -Sanctioned.

CD 9/2

DEPARTMENT.

Received



Registered

03227 E
1-2-40

Subject.

ENCLOSURES.

No.

R.O. C.No. 357/40-D-3

Spare copies

Station Madras, Dated the 30th January 19 40.

From (Name) Sri S.Srinivasa Ayyar, B.A., B.L.,
 (Designation) Assistant Registrar, Appellate Side,
High Court, Madras.

To The Secretary to the Government of Madras,

Home Department.
(with enclosures)

Sir,

Establishment - Bench Court, Bellary -
 temporary staff - retention of.

I am directed to forward for orders of Government the letter R.O.C.No.1439/39-E-1 dated 16-1-1940 from the District Magistrate of Bellary and the enclosures thereto and to state that in the circumstances stated therein, the Hon'ble Judges recommend only the temporary continuance of the additional staff of a clerk on Rs 19-30 a month and a peon on Rs 10/- a month in the Bench Court at Bellary for another year from 17-2-1940.

p3 ufa
p4-6 infra.

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2

Necessary provision has been made in the current and next years' Budget Estimates for the retention of the additional staff.

I have the honour to be,
Sir,
Your most obedient servant,

Herminie

Assistant Registrar, App: Side.

K.C.K

60

In reply, please quote
number, date and
short title.*

Received _____ Registered _____

From (Name) A. D. Crombie Esq., C.I.E., I.C.S.,

(Designation) District Magistrate

Post Box _____, (STATION) Bellary _____,

Telegraphic Address _____

To

The Secretary to Government,
Home Department, MADRAS.

THROUGH THE REGISTRAR, HIGH COURT OF JUDICATURE, M A D R A S.
R O C No. 1439/39 M. dated 16-1-1940.

Sir,

ENCLOSURES _____

Courts - Bench Court - Bellary - temporary
establishment to be made permanent - proposals.

Ref: G.O. No. Misc. 787 Home Department dated 14-2-1939. (W)

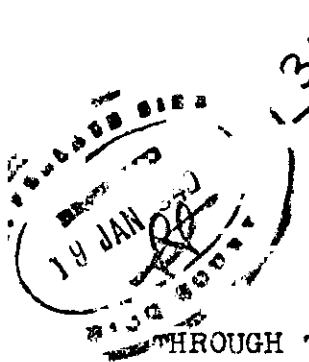
With effect from 17th February 1939 the Government in the above G.O. sanctioned the retention of the temporary staff consisting of a clerk on Rs. 19-2/2-25-30 and a sweeper on Rs. 10 per mensem for a year. The President of the Bench Court now requests that the above staff may be made permanent and in support of his proposals has furnished statistics of the work done by the Bench Court during the preceding three years. The Sub Divisional Magistrate, Bellary recommends the retention of the staff permanently. This temporary staff is being sanctioned year by year from 1933. I agree with the Sub Divisional Magistrate, Bellary and recommend that the staff should be made permanent with effect from 17-2-1940. Copies of the reports of the President, Bench Court, Bellary, Sub Divisional Magistrate, Bellary together with statistics showing the amount of work done by the Court during the three preceding years are enclosed for reference.

Att. P. Khan
- 17.1.40

P.S. 17/1.

For District Magistrate.

17.1.



Report of
The President
Bench Court and
SPARE COPIES
Bellary S. D. Hs
Enclosure (W)

pp 4-5 infra
p 6 infra
did

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reply, please quote
number, date and
short title.

Received _____ Registered _____

From (Name) Sri.I.Ramaswamy Naidu,

(Designation) President, Bench Court, Bellary.

Post Box _____, (STATION) Bellary.

Telegraphic Address _____

To

The District Magistrate, Bellary.

Through

The Sub-Divisional Magistrate, Bellary.

No. _____, dated 11-12-1939.

Sir,

* Sub:- Requests/ renewal of sanction to the Establishment of a clerk and sweeper peon & also recommends the permanent retention of the establishment.

ENCLOSURES _____

one statement.

-SPARE COPIES _____

I beg to apply for the renewal of sanction to the entertainment of a clerk on Rs. 19-2/2-25-1/30 and -- a sweeper peon on Rs. 10/- a month, accorded for one year upto 17-2-39 in G.O.No.M.S.787, dated 14-2-1939, communicated with your endorsement D.Dis.No.98 of 1939 dated 21-2-1939.

A comparative statement is attached showing the number of cases taken on file, the amounts of fines etc., levied, the expenditure on establishment etc., incurred and the amount of net receipts over expenditure during the last three calendar years.

3. The figures for the current year are upto 11-12-39 only, the date on which the statement is prepared, whereas last year the figures were upto the period 20-12-1938.

4. The number of cases to the end of December 1939 -- will be nearly the same as in last year and the total amount of receipts/also estimated to be nearly the same as last year. The expenditure is, however, ~~less~~ more than last year, as the Bench Clerk on Rs. 35, - per month is on leave on average pay for the last five months and this court is paying the substitutes pay as well as the leave salary of the absentee.

5- The establishment is necessary as there is no decrease work, while the clerical work in this Office, as observed by one of my predecessors (A retired 1st Class Magistrate) and as seen by me ⁱⁿ is more than that/~~any~~ Sub-Magistrate's Office. The number of cases tried, though most of them petty, is very much more and in consequence, the number of summonses, bailable warrants, non-bailable -- warrants and distraint warrants and the relative correspondence are ~~therefore~~ also much more than in ~~an~~ Stationary Sub-Magistrate's -- Court. In Municipal cases several of the accused are away from the Municipal Limits, some of them living in the Hyderabad, and Mysore State. The assesses evade service of summonses etc., which --- involves much correspondence and delay in disposal of some cases

6. The Temporary clerk and the sweeper peon are therefore -- absolutely necessary.

7. This establishment is being sanctioned ^{annually} ~~annually~~/since 1933 and ^{as} ~~is~~ already recommended by my predecessors and myself, its -- permanent retention is desirable. I venture therefore again to -- recommend ^{that} the establishment ~~that the~~ may be permanently retained.

Sd/- J. Ramaswami Naidu
President, Bench Court, Bellary.

Copy to the District Magistrate, Bellary.

J. Ramaswami Naidu
13.12.39 President Bench Court

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Statement showing the total number of cases taken on file and the fines realised during the last three years in the Bench -- Court, Bellary.

Year.	Total number of cases taken on file.	Amount inflicted as fines and amount collected as attestation fees.	Establishment --- charges including contingent charges.	Net receipt over expenditure	Remarks.
1937.	3147	2171-4-0.	1644-5-0.	526--15--0.	The decrease
1938.	3591	2459-10-0.	1714-3-0.	745--7--0.	in the net receipts --
1939.	3437 upto 11-12-39 2640 r. u. f. s.	2244--6-0.	1779-6-3.	464--15-9.	is due to the fact -- that the permanent Bench clerk is on leave for -- the last five months and his leave salary is being paid by this Court.

S. Ramaswami Naidu
 President, Bench Court, Bellary. ¹³⁻¹²⁻³⁹

Resubmitted.

2. The Bench Court at Bellary, was first constituted as a first class Bench and ceased to function as such since 1935. Nevertheless, the scriptory work in this court is considerably more than that of the stipendiary Magistrates court. The clerical work in this court is mostly of miscellaneous nature, such as, writing up of Processes Fines Registers, Indexing and the issue of receipts for the fines paid is an unusually heavy work. From the report, and the statistics furnished by the President I consider that the permanent retention of the additional establishment is necessary, instead of applying for the renewal of sanction year after year.

(Sd) C.W.Tremenhere.
 Sub Divisional Magistrate, Bellary.

To the District Magistrate, Bellary.

(true copy)

by 17.1

Home (E) Dept.

Establishment - Bellary Dt - Bench court, Bellary -
Temporary clerk and sweeper - Retention of -

C. 3227 - E.
111-64

From the High Court, Madras, R.O.C. No 35/40-D-3 dated 30.1.40

p 3 of

p 1 of

The D.M. Bellary requests sanction to the permanent retention of the posts of clerk on Rs 19-30 and Sweeper on Rs. 10/- a month, in the bench court at Bellary. The High Court recommends only the temporary retention of the establishment for another year from 17.2.40. The following statement shows

The institutions in the bench court:-

1932.	5178.
1933.	4980 ✓
1934	4132. ✓
1935	3929. ✓
1936 (approximate)	4159. ✓
1937	3147. ✓
1938	3591. ✓
1939 (up to 11.12.39)	3437. (about 3639 for the year)

On the basis of the figures given up to 11.12.39, the figures for the whole year would be about 3640. ~~to have exceeded those in 1938~~ The retention of the

establishment seems, therefore, to be justified. As regards making temporary establishments permanent, please see para 3 of Memo 39612 (A) E. II-1 dated 9.1.37. Though the establishment in the present case has been in existence since 1933, the institutions ^{in the bench court} are fluctuating, the institutions in recent years being ^{considerably} less than those in

p 12 of 23711/27.2.36 2d

(S)

p 3 of (W)

3437
x 3
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(E)

'K' on p 3 of

2/8

1932 and 1933. The Govt. may therefore agree with the High Court and sanction the retention of the establishment for another year from 17.2.41

2. The question of ^{specifically} including bench cart

terms in the Ministerial service is under consideration separately. After orders are issued on that the question whether an ad hoc rule should be issued in this case or not has to be considered. A copy of the order in this case and an extract of this para may be sent to Pub (Rules) for considering the necessity or otherwise of issuing ad hoc rules.

3. A draft order is submitted for approval. It may be sent to Finance for acceptance

HJ
3.2.40.
VCS
5.2.40

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2/5.2.40.

Finance.

Amew. 3227 E-1
5.2.40

Finance (22)

The draft order may be accepted and the Case returned to Home

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6.2.40
~CN
6-2-40

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Home

Home (E) Dept.

The draft may issue

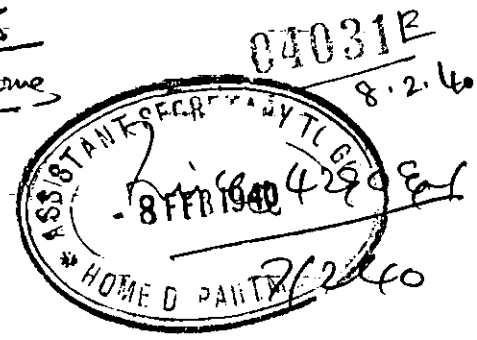
HJ
8.2.40.
VCS
8.2.40

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In last year's statement for 20 7871
(W) 44 2 1

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DRAFT FOR APPROVAL.

O.F. 10.

Home Dept.

	Date.	Initials.
When received for fair copying --		
When copied ..	14	
When examined...		
When signed ...		
When despatched.		

SUBJECT:—

Establishment- Bellary Dt - Bench court, Bellary - Temporary establishment Permanent retention - Proposal not accepted - Retention for one year - Sanctioned

READ AGAIN No 787 Home, dated 14. 2. 1939.

(W)

READ ALSO:—

C. No. 3227-E. From the D.M. Bellary, R.O.C., No. 1439/39-E/ dated 16.1. 1940. pp 3-6 cl

" " High Court, Madras, R.O.C., 357/40-D-3, 30.1. 1940. pp 1-2 cl

" " " " " " 19

Order Ms. No. 667, dated 9-2-1940.
Resolution-Route

W/p 5

The Govt. Sanction is accorded to the retention of the following temporary establishment in the bench court at Bellary for another year from 17.2.1940:-
One clerk on Rs. 19-2/2-25-1/2-30 a month.
One sweeper on Rs. 10/- a month.

Cf para 2 in pp 5-6 of (W)
and also 172450/126 - (C)
9140

2. The additional expenditure involved by the retention of the temporary clerk during the current year should be met from the appropriation under "27-g. Administration of Justice - Criminal Courts - Sty. Sub Magistrate, Bench magistrates and other establishments - B. Pay of establishments - voted" and that on account of the retention of the sweeper, from the appropriation under "27-g. Administration of Justice - Criminal

2 10

Courts - Shy. Sub Magistrates, Bench
magistrates and other establishments -

E. Contingencies - Voted

3.2.40
VTG
3.2.40.

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2/5.2.40.

To the D.M. Bellary ✓
Hon'ble the C.J. (with c.d.) ✓
Finance Dept. ✓
A.C. through the Finance Dept.
Copy to Pub. Rules (with an extract
of paras on p 2 n.f.)

Doc. 17
Except & CS
Date 10.2.40

Obd to C.J.
ne
Tpr